



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,969	09/26/2003	Keith Homer Baker	7836XDCL	7274
27752 7590 03/27/2008 THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION - WEST BLDG. WINTON HILL BUSINESS CENTER - BOX 412 6250 CENTER HILL AVENUE CINCINNATI, OH 45224				
EXAMINER				
TSOY, ELENA				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
03/27/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/671,969

**Applicant(s)**

BAKER ET AL.

**Examiner**

Elena Tsoy

**Art Unit**

1792

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-119 is/are pending in the application.
- 4a) Of the above claim(s) 77-82 and 94-118 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 76, 83-93 and 119 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

***Response to Arguments***

2. Applicant's arguments, see Appeal Brief, filed February 4, 2008, with respect to the rejection(s) of claim(s) 76, 83-93 and 119 under 35 U.S.C. 103(a) as being unpatentable based on Ritter et al and Ishikawa et al have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 76, 83-93, 119 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (JP 10276961) in view of Ishikawa et al (US 5306435) and Wu et al (CN 1052685A).

Watanabe discloses a method for treating leather shoes (See P1), the method comprising spraying a water solution of a *gel* detergent A *inside* the shoes by pressure, to remove not only *dirt* on a shoe **without harming the shoes** but also an *odor* and *fungi* (See Abstract; P5-6). The detergent A is composed of palm oil and soap (including a *surfactant*), amino acid group containing water at pH5, orange fruit *surfactant*, herbal oil extract (See P13-2), and enzyme

protease (See P14). The inner part of the shoes is wiped by *brush* (See P14-3). The outside of the shoes may be quickly washed using a *gel* detergent B made by mixing palm oil, glycerin, palm kernel oil, lanolin and wax with acidic water (See P15). A softening agent is sprayed and dried, then a fluorine containing water repellent is sprayed onto the outer part of the shoes (See P16).

Watanabe teaches that leather is ordinary leather (See P12). Watanabe is silent about not removing significant levels of a tanning agent such as chromium from the leather during washing (Claim 76). However, it is well known in the art that ordinary leather used for making cloth and shoes generally is a tanned leather; and the leather is tanned using conventional tanning agent such as *chromium* salt, as evidenced by Ishikawa et al teaching that *chromium* salt is generally used for *tanning leather* (See column 13, lines 4-10); and tanned leather is used for making *shoes* (See column 12, lines 35-36). Therefore, the *ordinary* leather in Watanabe is tanned leather.

Since washing leather shoes in Watanabe does not damage the shoes, the Examiner takes official notice that the tanned leather stays practically intact after washing, i.e. the washing does not remove any significant amount of components of the leather including *any* tanning agent such as chromium.

Since the detergent of Watanabe is capable of removing dirt, it is the Examiner's position that the detergent in Watanabe delivers a calcium/magnesium removal agent to the shoes because the dirt normally contains calcium and magnesium, as evidenced by Wu et al teaching that casual leather shoes *decontamination* agent (claimed cleaning composition) comprising *surfactant*, lustring agent, colloid, moisture retainer, and deionised water (claimed gel), removes calcium and magnesium (See title).

As to claims 85, 90-92, Watanabe fails to teach that shoes are placed into a flexible bag. However, it is well known in the art that articles made of delicate material should be washed by hand or in gentle cycle of a washing machine in a flexible bag to prevent damage to the material.

As to claim 119, it is the Examiner's position that a gel applied to the shoes by brush and placed into a flexible bag would be released into water during the wash cycle.

5. Claims 85, 90-92, 119 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe in view of Yoshioka (JP 09271597).

Watanabe fails to teach that shoes are placed into a flexible bag. However, Yoshioka teaches that shoes can be washed in flexible bags to prevent damage to shoes (See Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have placed shoes in flexible bags before washing in cited prior art with the expectation of preventing damage to shoes, as taught by Yoshioka.

As to claim 85, the cleaning composition is applied in the wash cycle of a washing machine.

As to claim 89, it is well known in the art to apply a detergent directly to stains before machine washing.

As to claim 119, it is the Examiner's position that a gel applied to the shoes by brush and placed into a flexible bag would be released into water during the wash cycle.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 76, 83-93, 119 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy whose telephone number is 571-272-1429. The examiner can normally be reached on Monday-Friday, 9:00AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Elena Tsoy, Ph.D.  
Primary Examiner  
Art Unit 1792

March 28, 2008

/Elena Tsoy /

Primary Examiner, Art Unit 1792